



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

October 27, 1999

Larry Garahana
Bureau of Land Management
Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631

Re: Deficient Small Mine Notice, Permit Fee Due, Jack Roberts (3 Guys Rock and Gem), 3 Guys Gem #1 Project, S/027/085, Millard County, Utah

Dear Mr. Garahana:

Thank you for forwarding a copy of the Notice of Intention to Commence Small Mining Operations submitted by Jack Roberts for 3 Guys Gem #1 Mine. The notice was received by the Division on October 25, 1999. The proposed small mining project is located in the E1/2 of the SE1/4 of Section 9, and the W1/4 of the SW1/4 of Section 10, T16S, R9E, Millard, County, Utah. Your agency's designated number for this project is UTU-078271.

The information in the small mine notice for the 3 Guys Gem #1 mine is complete; however, **payment of the appropriate permit fee is required before this notice can be considered to be in effect under the Division regulations and prior to creating surface disturbances.** The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 1998, the fees are assessed to new and existing notices of intention, and annually thereafter. Mr. Roberts will need to pay the \$100.00 fee to the Division in order for this notice to be considered in effect. A check made out to the "Utah Division of Oil, Gas and Mining" for the appropriate amount is preferred.

No variances were requested. Therefore, the Division expects that the operator will comply fully with all the applicable "Operation and Reclamation Practices" as described in the Utah State Reclamation Rules, (a summary will be forwarded to the operator). A variance request is not required for those practices which apply to features which are nonexistent at the mine site. For example, a variance to the requirement of permanently sealing shafts or tunnels is not required if the mine operation does not include shafts or tunnels.

We suggest the operator give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning mining operations will help ensure successful revegetation efforts upon final reclamation of the mine site. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts and future regulatory release from reclamation requirements.

Page 2
Larry Garahana
S/027/085
October 27, 1999

If Mr. Roberts wishes to expand his operation beyond the five (5) acre limitation, he is advised to notify our office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

*It is understood that the Division will notify your office of any permitting concerns we may have, and in turn, your office, acting as 'Lead Agency' will notify the operator accordingly. In the interest of time, we will forward a copy of this letter, along with a billing statement to Mr. Roberts. Acceptance of a mining notice by another agency, **does not** constitute approval to commence operations without first meeting the requirements and receiving written acceptance from the Division of Oil, Gas and Mining.*

Approval of mineral exploration or mining operations by the Division of Oil, Gas and Mining does not constitute approval to commence operations upon lands under state mineral leases/school sections administered by the School and Institutional Trust Lands Administration, or federal lands managed by the Bureau of Land Management (BLM) or United States Forest Service (USFS).

A Memorandum of Understanding between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. Mr. Roberts is advised to contact their office prior to starting his small mining operation to determine whether additional permits and/or approvals are required. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146. We have forwarded a copy of his notice to the DEQ for their review.

Please provide us with copies of future correspondence regarding this project. Please reference our file number S/027/085 regarding this site. Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Do not hesitate to call me at (801) 538-5321 if you have any questions regarding this letter.

Sincerely,



Tom Munson
Senior Reclamation Specialist

jb
cc: Jack Roberts, w/bill & operation & reclamation summary
Tracking File
S27-85.fee